

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00277

JESS GUNNOE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 7, 2013, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Jess Gunnoe, appeared in person and by his counsel, Carl E. Hostler, for a hearing on the petition on supervised release and amendment thereto submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on December 28, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 20, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on May 17, 2013, for marijuana and methamphetamine, and on September 5, 2013, for methamphetamine; (2) the defendant failed to appear for urine screens two times per month as directed by the probation officer inasmuch as when he was released from prison on December 28, 2011, he was placed on the urine drug screen hotline at Pyramid and between that date and the submission of the petition on August 29, 2013, the defendant appeared only three times for drug screens; (3) the defendant failed to appear for substance abuse and mental health counseling two times per month as directed by the probation officer with the first such session to begin on May 22, 2013, and, as of the time of the submission of the petition on August 29, 2013, the defendant had only attended sessions on July 11 and 18, 2013; and (4) the defendant failed to follow the instructions of the probation officer in that he received numerous instructions in connection with a modification of his supervised release to include 90 days in a community

confinement center and failed to comply with them as more fully set forth in Violation No. 2; all as admitted by the defendant on the record of the hearing and set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

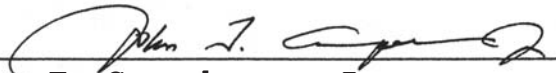
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised

release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six (6) months in a community confinement center, follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment available at the facility, and after-care as directed by the probation officer. If feasible, the defendant shall be transported directly from his place of incarceration to the community confinement center.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 30, 2013



John T. Copenhaver, Jr.
United States District Judge